

**GEORGIA BOARD OF MASSAGE THERAPY  
MINUTES OF BOARD MEETING  
May 04, 2007**

The Georgia Board of Massage Therapy board meeting was held on May 04, 2007, 09:00 a.m., at The Professional Licensing Boards Division offices located at 237 Coliseum Drive, Macon, Georgia.

**The following members were present:**

Jane H. Johnson, Chairman  
Kathy V. Lescak, Vice Chairman  
Melony Phillips, Cognizant  
Steve Earles

**Absent:**

Marlene Gaskill, Consumer

**Administrative Staff Present:**

Brig Zimmerman, Executive Director, Becky Adams, Assistant Attorney General (via-videoconference), and Amanda Allen, Board Secretary.

**Guest Attendees:**

Donna Miller, Everest Institute (former GMI)

Ms. Johnson established that a quorum of the Board was present and called the Board meeting to order at 9:06 a.m.

**Mr. Earles moved and Ms. Lescak seconded, and the Board voted to enter into Executive Session in accordance with O.C.G.A. § 43-1-19 (4) and O.C.G.A. § 43-1-2 (k)(4), to deliberate on the Cognizant Report and to receive information pertaining to Applications. Voting in favor of the motion were those present who included Board members Earles, Phillips, Lescak, and Johnson. The Board concluded Executive Session in order to vote on these matters and to continue with the public session.**

**Agenda:**

**Ms. Phillips moved, Ms. Lescak seconded, and the Board voted to approve the agenda as presented. None opposed, Motion carried.**

**Announcements:**

Ms. Kathy Lescak, Vice Chair announced that she had not received any correspondence back from Senator Jack Hill, in reference to the letter she sent him regarding extending the July 01 Application deadline for the “grandfathering” period.

Ms. Jane Johnson, Chair announced that NCBTMB can now send test results electronically to the Board. She also stated that she would find out if there would be a fee required from the state to be set-up to receive results via electronically.

### **Minutes:**

**Ms. Phillips moved, Ms. Lescak seconded, and the Board voted to approve the April 04, 2007 Minutes with corrections. None opposed, Motion carried.**

### **Correspondences:**

Ms. Mary E. Peacock sent the following question to the Board for their review.

How many continuing education hours will be required and how is one to determine if a course on continuing education is approved or not?

**Board Response - The rule on continuing education is currently in the drafting process. Please refer to the website for future postings on the rule. All approved providers for continuing education will be placed on the website. Twenty-four (24) clock hours will be required.**

Ms. Donna Miller from Georgia Medical Institute proposed the following question to the Board for their review: When will the Board approve/issue Provisional Permits?

**Board Response- On April 20, 2007, the Board voted not to issue Provisional Permits at this time. They may revisit the issue at a later date.**

### **Executive Director's Report:**

Executive Director's report was presented during May 3, 2007 Board Meeting.

### **Rules and Forms – Continued Discussion:**

The Board voted that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The Board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of massage therapy.

**Ms. Lescak moved, Mr. Phillips seconded and the Board voted, upon receipt of the AG's office memo of authority, to post the Notice of Intent to Adopt and Notice of Hearing for the following seven (7) proposed rules for no less than 30 days as required by law; None opposed, Motion carried:**

**NOTICE OF INTENT TO ADOPT A PROPOSED  
CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY  
RULES: CHAPTER 345-1 DEFINITIONS, AND, NOTICE OF PUBLIC  
HEARING**

**TO ALL INTERESTED PARTIES:**

Notice is hereby given that pursuant to the authority set forth below, the Georgia Board of Massage Therapy (hereinafter "Board") proposes a chapter for the Georgia Board of Massage Therapy Rules, Chapter 345-1, Definitions (herein after "proposed chapter adoption").

This notice, together with an exact copy of the proposed chapter and a synopsis of the proposed chapter, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed chapter, and a synopsis of the proposed chapter may be reviewed during normal business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. Copies may also be requested by contacting the Board office at (478) 207-2440.

A public hearing will be held at 9:30 am on June 29, 2007, at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed chapter.

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for official record. Oral statements should be concise and will be limited to five (5) minutes per person. Written comments are welcome. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 P.M.) on June 22, 2007. Written comments should be addressed to Don Munday, Acting Division Director, Secretary of State, Professional Licensing Boards Division, Georgia Board of Massage Therapy, 237 Coliseum Drive, Macon, Georgia 31217. Telephone (478) 207-2440 or fax (478) 207-1633.

The Board will consider the proposed chapter for adoption at a meeting scheduled to begin at 10:40 am on June 29, 2007 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia Board of Massage Therapy has the authority to adopt a proposed Chapter 345-1 pursuant to authority contained in O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

At its meeting on May 16, 2007 the Georgia Board of Massage Therapy voted that the formulation and adoption of this chapter does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed chapter cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.G.C.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this chapter will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of massage therapy.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This 22<sup>nd</sup> day of May, 2007.

---

Donald W. Munday  
Acting Division Director  
Professional Licensing Boards Division

Posted: May 22, 2007

**SYNOPSIS OF PROPOSED CHAPTER TO THE  
GEORGIA BOARD OF MASSAGE THERAPY RULES,  
CHAPTER 345-1 DEFINITIONS.**

**PURPOSE:** The purpose of the proposed chapter is to define terms as used in these Rules, Policies, Regulations and the Massage Therapy Act, O.C.G. A. § 43-24A.

**MAIN FEATURES:** The main feature of the proposed chapter is to define terms.

**THE PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE  
THERAPY RULES, CHAPTER 345-1 DEFINITIONS.**

**NOTE:** Underlined text is proposed to be added; lined through text is proposed to be deleted.

**Chapter 345-1 Definitions.**

**Table of Contents**

**345-1-.01 Definitions.**

**345-1-.01 Definitions.**

- (1) Applicant – Any person seeking licensure under this chapter.
- (2) Board – The Georgia Board of Massage Therapy established by this chapter (hereafter: “Board”).
- (3) License – A valid and current certificate of registration issued by the Board.
- (4) Licensee – any person holding a license.
- (5) Massage Therapist – any person who administers massage or massage therapy for compensation.
- (6) Massage Therapy – See O.C.G.A. § 43-24A-3.
- (7) Supervision – For purposes of this chapter "supervised" means the supervisor is physically on-site, qualified and immediately available.
- (8) NCBTMB - National Certification Board for Therapeutic Massage & Bodywork.
- (9) NCETM Exam – National Certification Exam for Therapeutic Massage.
- (10) NCETMB Exam – National Certification Exam for Therapeutic Massage & Bodywork.
- (11) Approved Provider (of Continuing Education hours) means one that holds the designation of “Approved Provider for Continuing Education” by the NCBTMB, or other CE provider approved by the board.
- (12) Sexually Oriented Business – For the purposes of the board rules, sexually oriented business shall mean, not inclusively or limited to, a sex parlor, massage parlor, adult bookstore, adult movie theater, adult video store, adult motel, spa alluding to sexual content or services or other commercial business which offer items or services to provide sexual stimulation or gratification to the public.
- (13) Clock Hour – one “clock hour” of continuing education refers to at least fifty (50) minutes of any one clock hour during which a student participates in a learning activity in the physical presence of an instructor, or in a distance learning activity designed by an approved provider.
- (14) Advertise – for the purposes of this chapter of the Board rules, “advertise” shall mean, but is not limited to, any issuance or distribution of any card, sign or other device, or, any allowance or permission of the issuance or distribution of any card, sign or other device to any form of media or placement in any physical entity.

**AUTHORITY: O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.**

**NOTICE OF INTENT TO ADOPT A PROPOSED AMENDMENT TO THE  
GEORGIA BOARD OF MASSAGE THERAPY RULES, CHAPTER 345-3  
APPLICATIONS, RULE 345-3-.02 APPLICATION FOR LICENSURE POST  
JULY 1, 2007, AND, NOTICE OF PUBLIC HEARING**

**TO ALL INTERESTED PARTIES:**

Notice is hereby given that pursuant to the authority set forth below, the Georgia Board of Massage Therapy (hereinafter "Board") proposes an amendment to the Georgia Board of Massage Therapy Rules, Chapter 345-3, Applications (herein after "proposed chapter adoption").

This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rule amendment, and a synopsis of the proposed rule amendment may be reviewed during normal business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. Copies may also be requested by contacting the Board office at (478) 207-2440.

A public hearing will be held at 9:40 am on June 29, 2007, at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendment.

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for official record. Oral statements should be concise and will be limited to five (5) minutes per person. Written comments are welcome. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 P.M.) on June 22, 2007. Written comments should be addressed to Don Munday, Acting Division Director, Secretary of State, Professional Licensing Boards Division, Georgia Board of Massage Therapy, 237 Coliseum Drive, Macon, Georgia 31217. Telephone (478) 207-2440 or fax (478) 207-1633.

The Board will consider the proposed rule amendment for adoption at a meeting scheduled to begin at 10:50 am on June 29, 2007 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia Board of Massage Therapy has the authority to adopt a proposed rule 345-3-.02 pursuant to authority contained in O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

At its meeting on 16, 2007 the Georgia Board of Massage Therapy voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of massage therapy.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This 22<sup>nd</sup> day of May, 2007.

---

Donald W. Munday  
Acting Division Director  
Professional Licensing Boards Division

Posted: May 22, 2007

**SYNOPSIS OF PROPOSED RULE AMENDMENT TO THE GEORGIA  
BOARD OF MASSAGE THERAPY RULES, CHAPTER 345-3,  
APPLICATIONS. AMENDED.**

**PURPOSE:** The purpose of the proposed rule amendment is to define the application requirements of the Board for applications post July 1, 2007 pursuant to O.C.G.A. § 43-24A.

**MAIN FEATURES:** The main feature of the proposed rule amendment is to define the eligibility requirements of applicants post July 1, 2007.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED  
AMENDMENT TO THE GEORGIA BOARD OF MASSAGE THERAPY  
RULES, CHAPTER 345-3, APPLICATIONS. AMENDED.; RULE 345-3-.02  
APPLICATION FOR LICENSURE POST JULY 1, 2007**

**THE PROPOSED RULE AMENDMENT TO THE GEORGIA BOARD OF  
MASSAGE THERAPY RULES, CHAPTER 345-3- APPLICATIONS.  
AMENDED.**

**NOTE:** Underlined text is proposed to be added; lined through text is proposed to be deleted.

## **Chapter 345-3 APPLICATIONS. AMENDED.**

### **Table of Contents:**

345-3-.01 Application for Licensure Prior to July 1, 2007

345-3-.02 Application for Licensure Post July 1, 2007

### **345-3-.02 Application for Licensure Post July 1, 2007**

(1) The applicant for licensure as a massage therapist shall submit an application on a form approved by the Board, and evidence satisfactory to the Board that the applicant:

(a) is at least 18 years of age; and

(b) has a high school diploma, GED, or recognized equivalent; and

(c) is a citizen of the United States or a permanent resident of the United States.

(2) In addition to the information called for on the form, the applicant must also submit the following:

(a) three (3) references: two (2) professional references from licensed healthcare professionals or instructors from a massage therapy program, and, one (1) personal reference (excluding immediate family). All references must have known the applicant for two (2) years; however, for applicants who have graduated from a massage therapy program within one (1) year of the date of their application, the licensed professional references or instructors must have known the applicant for only a minimum of six (6) months; and

(b) photograph of the applicant. Only a passport type (3"X 3") photo taken within the past twelve months will be accepted; and

(c) authorization to perform a criminal background check; and

(d) the proper fee – see fee schedule; and

(e) official school transcript, **in original sealed envelope**, by the applicant's school or program, of successful completion (graduation) of a board-recognized massage therapy education program consisting of a minimum of five-hundred (500) hours of course and clinical work in accordance with Board rule 345-8; and

(f) official verification from the NCBTMB showing applicant has passed the National Certification Exam for Therapeutic Massage (NCETM) or the National Certification Exam for Therapeutic Massage & Bodywork (NCETMB), or an exam deemed equivalent or equal to the NCE exam by the Board.

**Authority O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3**



**NOTICE OF INTENT TO ADOPT A PROPOSED  
CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY  
RULES: CHAPTER 345-4 LICENSE RENEWAL, CONTINUING  
EDUCATION, INACTIVE STATUS AND REINSTATEMENT OF  
LICENSE, AND, NOTICE OF PUBLIC HEARING**

**TO ALL INTERESTED PARTIES:**

Notice is hereby given that pursuant to the authority set forth below, the Georgia Board of Massage Therapy (hereinafter "Board") proposes a chapter for the Georgia Board of Massage Therapy Rules, Chapter 345-4 License Renewal, Continuing Education, Inactive Status and Reinstatement of License (herein after "proposed chapter adoption").

This notice, together with an exact copy of the proposed chapter and a synopsis of the proposed chapter, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed chapter, and a synopsis of the proposed chapter may be reviewed during normal business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. Copies may also be requested by contacting the Board office at (478) 207-2440.

A public hearing will be held at 9:50 am on June 29, 2007, at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed chapter.

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for official record. Oral statements should be concise and will be limited to five (5) minutes per person. Written comments are welcome. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 P.M.) on June 22, 2007. Written comments should be addressed to Don Munday, Acting Division Director, Secretary of State, Professional Licensing Boards Division, Georgia Board of Massage Therapy, 237 Coliseum Drive, Macon, Georgia 31217. Telephone (478) 207-2440 or fax (478) 207-1633.

The Board will consider the proposed chapter for adoption at a meeting scheduled to begin at 11:00 am on June 29, 2007 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia Board of Massage Therapy has the authority to adopt a proposed Chapter 345-8 pursuant to authority contained in O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3

At its meeting on May 16, 2007 the Georgia Board of Massage Therapy voted that the formulation and adoption of this chapter does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed chapter cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.G.C.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.G.C.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this chapter will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of massage therapy.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This 22<sup>nd</sup> day of May, 2007.

---

Donald W. Munday  
Acting Division Director  
Professional Licensing Boards Division

Posted: May 22, 2007

**SYNOPSIS OF PROPOSED CHAPTER TO THE  
GEORGIA BOARD OF MASSAGE THERAPY RULES,  
CHAPTER 345-4 LICENSE RENEWAL, CONTINUING EDUCATION,  
INACTIVE STATUS AND REINSTATEMENT OF LICENSE.**

**PURPOSE:** The purpose of the proposed chapter is to provide the requirements for the renewal, continuing education hour requirements, inactive status and reinstatement of a license.

**MAIN FEATURES:** The main feature of the proposed chapter is to provide the guidelines for license renewal, reinstatement, request for Inactive Status and continuing education hours to licensees and applicants.

**THE PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE  
THERAPY RULES, CHAPTER 345-4 LICENSE RENEWAL, CONTINUING  
EDUCATION, INACTIVE STATUS AND REINSTATEMENT OF LICENSE.**

**NOTE:** Underlined text is proposed to be added; lined through text is proposed to be deleted.

**345-4 License Renewal, Continuing Education, Inactive Status and Reinstatement of License.**

#### 345-4-.01 License Renewal

#### 345-4-.02 Continuing Education Hours

#### 345-4-.03 CE Providers Seeking Board Approval

#### 345-4-.04 Inactive Status

#### 345-4-.05 Reinstatement of License

#### **345-4-.01 License Renewal**

(1) Licenses issued by the Board shall expire on October 31<sup>st</sup> of every even numbered year.

(2) Each person holding a valid license to practice massage therapy who does not renew said license by October 31<sup>st</sup> of every even numbered year shall be afforded a late renewal for a period of ninety (90) days. Late renewals shall be processed after filing the renewal form, payment of the renewal fee and late renewal penalty fee, and, providing proof of the required twenty-four (24) hours of continuing education. Individuals **must not practice** as a massage therapist during this late renewal period until the board grants the renewal. Practice without a current, active license in Georgia is prohibited.

(3) Any service member as defined in O.C.G.A. § 43-1-31 whose license to practice Massage Therapy expired while serving on active duty outside the state shall be permitted to practice massage therapy, shall not be charged with a violation relating to such practice on an expired license for a period of six (6) months from the date of his or her discharge from active duty or reassignment to a location within the state. Any such service member shall be entitled to renew such expired license without penalty within six (6) months after the date of his/her discharge from active duty or reassignment to a location within the state. The service member must present to the board a copy of the official military orders or a written verification signed by the service member's commanding officer to waive any charges.

(4) Following the late renewal time period, all non-renewed licenses will be revoked by operation of law for non-renewal, and will require reinstatement at the discretion of the Board.

#### **345-4-.02 Continuing Education Hours**

(1) Every massage therapist licensed pursuant to this chapter shall be required to complete a minimum of twenty-four (24) continuing education (CE) hours related to the practice of massage therapy as a condition for renewing his or her license for each biennium renewal expiration date except as otherwise provided for in this chapter.

(2) A listing of courses and/or providers, not all inclusive, which have been pre-approved by the Board as acceptable course hours toward the continuing education requirements of the Board, may be available on the board's website or from the board office.

(3) The Board may consider a waiver or variance of the requirement of CE hours for licensees who can provide acceptable proof of a verifiable illness, disability or hardship that substantially affected their ability to obtain the required CE hours during the prior biennium renewal period through submission to the board of a completed, signed waiver/variance request form *prior* to the biennium renewal expiration date of October 31<sup>st</sup> of every even numbered year.

(4) An applicant who is licensed **during the second year** of the biennium renewal period shall only be required to provide 12 hours of continuing education (CE) hours for that renewal period.

(5) An applicant having graduated from a Board recognized approved massage therapy education program within one year of their application date shall be exempt from continuing education requirements for their initial biennium renewal period only.

(6) An applicant for reinstatement must show along with their completed application that they have taken the required twenty-four (24) hours of continuing education within one (1) year of the date of their reinstatement application to the board.

(7) Each licensed massage therapist shall maintain records of attendance and supporting documents for continuing education for a period of three (3) years from the date of attendance.

#### **345-4-.03 Continuing Education Providers seeking Board approval**

(1) The Board may consider additions to the (not inclusive) listed approved continuing education courses and/or providers from a licensee or provider if pre-approval is requested and justified by the Board, provided the following supporting documentation for approval of a non-listed course/provider is submitted to the Board:

(a) from a licensee: a program description, program objectives, detailed time schedule, speakers' names and qualifications and a sample of the certificate or proof of attendance. The licensee shall identify a contact person, sponsoring person or agency, program title, location, date, target audience, type of program and number of contact hours requested, or;

(b) from a provider: submission of an "Application for Approval of Continuing Education Program" by the Georgia Board of Massage Therapy and submit a program description, program objectives, detailed time schedule, speakers' names and qualifications and a sample of the certificate or proof of attendance. The provider shall identify a contact person, sponsoring person or agency, program title, location, date, target audience, type of program and number of contact hours requested.

(c) Upon review of the information received from a licensee or a completed application from an interested provider, the Board shall notify the licensee/provider of approval or denial, and the number of approved contact hours if approved. The Board shall make information about approved programs available to all licensees.

(d) All requests for pre-approval of continuing education course hours must be submitted to the board administrative staff sixty (60) or more days *prior* to the scheduled event.

(2) Reporting and Auditing: The method of reporting and auditing continuing education shall be:

(a) At the time of license renewal, each massage therapist shall certify to the Board that he/she has completed the continuing educational hours required for license renewal.

(b) The staff of the Professional Licensing Boards shall randomly audit a percentage, determined by the Board, of active licensees for compliance with continuing education requirements. Documentation of continuing education which the Board deems as acceptable proof or verification of completion shall include, but is not limited to, the following:

1. For continuing education courses that include attendance and participation at a presentation such as a workshop, seminar, conference or in-service educational program, a certificate of completion or similar documentation, including your massage therapy license number and the providers CEU Number, signed by program official and a program description including sponsor, course title, date, program objective/learning outcomes, content description, agenda or schedule;

2. Lectures and Multi-Media courses: For lectures, a certificate of completion or similar documentation, including your massage therapy license number and the providers CEU Number, signed by program official and a program description including sponsor, course title, date, program objective/learning outcomes, content description, agenda or schedule. Multi-Media courses shall require the successful completion and submission of a written post experience examination to evaluate material retention. Multi-Media courses include, but are not limited to, audio, audiovisual, closed circuit television, and the internet;

3. Correspondence Courses: A certificate of completion or similar documentation, including your massage therapy license number and the providers CEU Number signed by program official and a program description including sponsor, course title, date, program objective/learning outcomes, content description, agenda or schedule;

4. Formal self study, viewing of videotapes in a professional setting, satellite broadcasts, or computer learning activities must include:

(i) Verified instructional time by the course sponsor; a certificate of completion or similar documentation signed by program official; and

(ii) A program description including sponsor, course title, date, program objective/learning outcomes, content description.

#### **345-4-.04 Inactive Status**

(1) Licensees may request in writing to the Board that their active license to practice as a massage therapist in Georgia be placed on inactive status.

(2) An individual whose license status is inactive shall not practice as a massage therapist within the state of Georgia.

(3) An individual whose license is under any sanction may not transfer to inactive status while the sanctions are in effect.

(4) Licensees shall request in writing to the Board for the reinstatement of their massage therapy license. The following requirements must be met:

(a) submission of an application provided by the Board including any applicable fee(s);

(b) submission of evidence of twelve (12) hours of Board approved continuing education **for each year or portion of a year** in which their license has been inactive.

(c) These hours must be completed during the one (1) year period preceding the date of application for reinstatement of the license;

#### **345-4-.05 Reinstatement of a License**

(1) Reinstatement of an expired or lapsed license is within the discretion of the Board.

(2) An applicant for reinstatement of a lapsed license must submit a completed application provided by the board, payment of the required fee and evidence satisfactory to the Board that the applicant:

(a) is at least 18 years of age; and

(b) has a high school diploma, GED, or recognized equivalent; and

(c) is a citizen of the United States or a permanent resident of the United States, and

(3) in addition, the following:

(a) photograph of the applicant. Only a passport type (3"X 3") photo taken within the past twelve months will be accepted; and

(b) authorization to perform a criminal background check; and

(c) submission of evidence of twelve (12) hours of Board approved continuing education **for each year or portion of a year** in which their license has been in expired or lapsed status. These hours must be completed during the one (1) year period preceding the date of application for reinstatement of the license; and

(d) three (3) references: Two (2) professional references from licensed professionals or instructors from a massage therapy program, and, one (1) personal reference (excluding immediate family). All references must have known the applicant for two (2) years; however, for applicants who have graduated from a massage therapy program within one (1) year of the date of their application, the licensed professional references or instructors must have known the applicant for only a minimum of six (6) months; and

(e) one of the following:

1. verification of current licensure, in good standing, from another jurisdiction, state, territory of the United States, or foreign country submitted directly to the Board from the issuing state regulatory and/or licensing board ; or

2. verification of active practice as a massage therapist by submitting documentation of active practice within the five (5) years immediately preceding the date of the reinstatement application on a form provided by or approved by the Board.

(f) The Board may impose any limits, sanctions, restrictions or other disciplinary actions as a condition of reinstatement it deems necessary.

(g) Additional verification of any requirements or credentials as the Board may deem necessary.

**Authority: O.G.C.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.**

**NOTICE OF INTENT TO ADOPT A PROPOSED  
CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY  
RULES: CHAPTER 345-5 LICENSURE BY ENDORSEMENT, AND,  
NOTICE OF PUBLIC HEARING**

**TO ALL INTERESTED PARTIES:**

Notice is hereby given that pursuant to the authority set forth below, the Georgia Board of Massage Therapy (hereinafter "Board") proposes a chapter for the Georgia Board of Massage Therapy Rules, Chapter 345-5, Licensure by Endorsement (herein after "proposed chapter adoption").

This notice, together with an exact copy of the proposed chapter and a synopsis of the proposed chapter, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed chapter, and a synopsis of the proposed chapter may be reviewed during normal business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. Copies may also be requested by contacting the Board office at (478) 207-2440.

A public hearing will be held at 10:00 am on June 29, 2007, at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed chapter.

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for official record. Oral statements should be concise and will be limited to five (5) minutes per person. Written comments are

welcome. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 P.M.) on June 22, 2007. Written comments should be addressed to Don Munday, Acting Division Director, Secretary of State, Professional Licensing Boards Division, Georgia Board of Massage Therapy, 237 Coliseum Drive, Macon, Georgia 31217. Telephone (478) 207-2440 or fax (478) 207-1633.

The Board will consider the proposed chapter for adoption at a meeting scheduled to begin at 11:10 am on June 29, 2007 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia Board of Massage Therapy has the authority to adopt a proposed Chapter 345-8 pursuant to authority contained in O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

At its meeting on May 16, 2007 the Georgia Board of Massage Therapy voted that the formulation and adoption of this chapter does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed chapter cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this chapter will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of massage therapy.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This 22<sup>nd</sup> day of May, 2007.

---

Donald W. Munday  
Acting Division Director  
Professional Licensing Boards Division

Posted: May 22, 2007



**SYNOPSIS OF PROPOSED CHAPTER TO THE  
GEORGIA BOARD OF MASSAGE THERAPY RULES:  
CHAPTER 345-5 LICENSURE BY ENDORSEMENT**

**PURPOSE:** The purpose of the proposed chapter is to provide the guidelines for licensure by endorsement.

**MAIN FEATURES:** The main feature of the proposed chapter is the requirements for licensure by endorsement into the state of Georgia.

**THE PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE  
THERAPY RULES, CHAPTER 345-5 LICENSURE BY ENDORSEMENT**

**NOTE:** Underlined text is proposed to be added; lined through text is proposed to be deleted.

**Chapter 345-5 Licensure by Endorsement**

Table of Contents

345-5-.01 Endorsement

**345-5 Licensure by Endorsement**

(1) Any applicant holding a current license, in good standing, as a massage therapist issued by another jurisdiction, state, or territory of the US or foreign country that is equal to or exceeds the Georgia licensure requirements, shall apply for licensure by endorsement by submitting an application on a form provided by the Board, accompanied by the appropriate fee (see fee schedule) and the following:

(a) verification that an applicant is at least 18 years of age; and

(b) three (3) references: two (2) professional references from licensed healthcare professionals or instructors from a massage therapy program and one (1) personal reference (excluding immediate family). All references must have known the applicant for two (2) years; however, for applicants who have graduated from a massage therapy program within one (1) year of the date of their application, the licensed professional references must have known the applicant for only a minimum of six (6) months; and

(c) authorization to perform a criminal background check; and

(d) one of the following:

1. Official verification of current licensure as a massage therapist, in good standing, from another jurisdiction, state, or territory of the United States or foreign country, including a copy of its licensing laws for massage therapist, whose standards for licensure meet or exceed those required by Georgia; or

2. Current certification by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) or an equivalent certification (must be certification approved by the National Commission for Certifying Agencies).

(e) The Board may request additional verification of any requirements or credentials as it may deem necessary.

**Authority: O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3**

**NOTICE OF INTENT TO ADOPT A PROPOSED  
CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY  
RULES: CHAPTER 345-6 LICENSURE BY RECIPROCITY, AND,  
NOTICE OF PUBLIC HEARING**

**TO ALL INTERESTED PARTIES:**

Notice is hereby given that pursuant to the authority set forth below, the Georgia Board of Massage Therapy (hereinafter "Board") proposes a chapter for the Georgia Board of Massage Therapy Rules, Chapter 345-6, Licensure by Reciprocity (herein after "proposed chapter adoption").

This notice, together with an exact copy of the proposed chapter and a synopsis of the proposed chapter, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed chapter, and a synopsis of the proposed chapter may be reviewed during normal business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. Copies may also be requested by contacting the Board office at (478) 207-2440.

A public hearing will be held at 10:10 am on June 29, 2007, at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed chapter.

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for official record. Oral statements should be concise and will be limited to five (5) minutes per person. Written comments are welcome. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 P.M.) on June 22, 2007. Written comments should be addressed to Don Munday, Acting Division Director, Secretary of State, Professional Licensing Boards Division, Georgia Board of Massage Therapy, 237 Coliseum Drive, Macon, Georgia 31217. Telephone (478) 207-2440 or fax (478) 207-1633.

The Board will consider the proposed chapter for adoption at a meeting scheduled to begin at 11:20 am on June 29, 2007 at the Secretary of State's Professional

Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia Board of Massage Therapy has the authority to adopt a proposed Chapter 345-8 pursuant to authority contained in O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

At its meeting on May 4, 2007 the Georgia Board of Massage Therapy voted that the formulation and adoption of this chapter does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed chapter cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this chapter will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of massage therapy.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This 22<sup>nd</sup> day of May, 2007.

---

Donald W. Munday  
Acting Division Director  
Professional Licensing Boards Division

Posted: May 22, 2007

### **SYNOPSIS OF PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES, CHAPTER 345-6 LICENSURE BY RECIPROCITY**

**PURPOSE:** The purpose of the proposed chapter is to provide guidelines for licensure by reciprocity.

**MAIN FEATURES:** The main feature of the proposed chapter is the requirements for licensure by reciprocity into the state of Georgia.

### **THE PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES, CHAPTER 345-6, LICENSURE BY RECIPROCITY**

**NOTE:** Underlined text is proposed to be added; lined through text is proposed to be deleted.

## **Chapter 345-6 Licensure by Reciprocity**

### **Table of Contents**

#### **345-6-.01 Licensure by Reciprocity**

#### **345-6-.01 Licensure by Reciprocity**

(1) Any applicant holding a current license, in good standing, as a massage therapist issued by another jurisdiction, state, or territory of the US or foreign country that is equivalent to the Georgia licensure requirements, shall apply for licensure by reciprocity by submitting an application on a form approved by the Board, accompanied by the appropriate fee (see fee schedule) and the following:

(a) verification that an applicant is at least 18 years of age; and

(b) three (3) references: two (2) professional references from licensed healthcare professionals or instructors from a massage therapy program and one (1) personal reference (excluding immediate family). All references must have known the applicant for two (2) years; however, for applicants who have graduated from a massage therapy program within one (1) year of the date of their application, the professional references must have known the applicant for only a minimum of six (6) months; and

(c) authorization to perform a criminal background check; and

(d) official verification of current licensure as a massage therapist, in good standing, from another jurisdiction, state, or territory of the United States or foreign country, including a copy of its licensing laws for massage therapist, whose standards for licensure meet or exceed those required by Georgia.

(2) The Board may request additional verification of any requirements or credentials as it may deem necessary

**Authority O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.**

### **NOTICE OF INTENT TO ADOPT A PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES: CHAPTER 345-9, EXEMPTIONS TO LICENSURE, AND, NOTICE OF PUBLIC HEARING**

#### **TO ALL INTERESTED PARTIES:**

Notice is hereby given that pursuant to the authority set forth below, the Georgia Board of Massage Therapy (hereinafter “Board”) proposes a chapter for the Georgia Board of Massage Therapy Rules, Chapter 345-9, Exemptions to Licensure (herein after “proposed chapter adoption”).

This notice, together with an exact copy of the proposed chapter and a synopsis of the proposed chapter, is being mailed to all persons who have requested, in writing,

that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed chapter, and a synopsis of the proposed chapter may be reviewed during normal business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. Copies may also be requested by contacting the Board office at (478) 207-2440.

A public hearing will be held at 10:20 am on June 29, 2007, at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed chapter.

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for official record. Oral statements should be concise and will be limited to five (5) minutes per person. Written comments are welcome. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 P.M.) on June 22, 2007. Written comments should be addressed to Don Munday, Acting Division Director, Secretary of State, Professional Licensing Boards Division, Georgia Board of Massage Therapy, 237 Coliseum Drive, Macon, Georgia 31217. Telephone (478) 207-2440 or fax (478) 207-1633.

The Board will consider the proposed chapter for adoption at a meeting scheduled to begin at 11:30 am on June 29, 2007 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia Board of Massage Therapy has the authority to adopt a proposed Chapter 345-8 pursuant to authority contained in O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

At its meeting on May 4, 2007 the Georgia Board of Massage Therapy voted that the formulation and adoption of this chapter does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed chapter cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this chapter will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of massage therapy.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This 22<sup>nd</sup> day of May, 2007.

---

Donald W. Munday  
Acting Division Director  
Professional Licensing Boards Division

Posted: May 22, 2007

**SYNOPSIS OF PROPOSED CHAPTER TO THE  
GEORGIA BOARD OF MASSAGE THERAPY RULES,  
CHAPTER 345-9 EXEMPTIONS TO LICENSURE**

**PURPOSE:** The purpose of the proposed chapter is provide guidelines to exemptions from licensure under the Massage Therapy practice Act, O.C.G.A. § 43-24A.

**MAIN FEATURES:** The main feature of the proposed chapter is to provide an overview of the exemptions from licensure under the Georgia Massage Therapy Practice Act.

**THE PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE  
THERAPY RULES, CHAPTER 345-9 EXEMPTIONS TO LICENSURE**

**NOTE:** Underlined text is proposed to be added; lined through text is proposed to be deleted.

**Chapter 345- 9 – Exemptions from Licensure**

Table of Contents

345-9-.01 Exemptions from Licensure

**345-9-.01 Exemptions from Licensure**

(1) “Massage Therapy” means the act or practice of employing structured touch, pressure, movement and holding to the soft tissue of the body of a natural person for the particular purpose of enhancing or helping to restore a natural persons health and well being. Please refer to O.C.G.A. § 43-24A-3(8) for the Georgia law defining massage therapy.

(2) The Massage Therapy Practice Act (O.C.G.A. § 43-24A) does not restrict or prevent the practice, services or activities of any natural person legally operating under the authority of other licensing laws in Georgia, provided that, the individual does not use the title of “Massage Therapist” unless such individual holds a massage therapy license issued by the Georgia Board of Massage Therapy.

(3) Only duly licensed massage therapists practicing in accordance with the Board rules and Georgia law may practice massage therapy in Georgia, or, use in connection with their own name or that of their business or employer, the terms massage, massage therapy, massage therapist, massage practitioner, or the letters M.T. or L.M.T. or any other representation either direct or indirect, indicating to the general public that massage therapy is provided or available. Such activities are prohibited unless the provider is an actively licensed massage therapist by the Georgia Board of Massage Therapy

(4) A nonresident person rendering massage therapy up to 60 days during a 12 month period for treatment of a temporary sojourner only provided such individual is properly and currently licensed or certified to practice massage therapy.

(5) A nonresident person who is properly and currently licensed or certified to practice massage therapy when in this state to provide service as part of an emergency response team working in conjunction with disaster relief officials or as part of a charity event .

**Authority: O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.**

**NOTICE OF INTENT TO ADOPT A PROPOSED  
CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY  
RULES: CHAPTER 345-10 DISCIPLINE AND, NOTICE OF  
PUBLIC HEARING**

**TO ALL INTERESTED PARTIES:**

Notice is hereby given that pursuant to the authority set forth below, the Georgia Board of Massage Therapy (hereinafter “Board”) proposes a chapter for the Georgia Board of Massage Therapy Rules, Chapter 345-10, Discipline (herein after “proposed chapter adoption”).

This notice, together with an exact copy of the proposed chapter and a synopsis of the proposed chapter, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed chapter, and a synopsis of the proposed chapter may be reviewed during normal business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. Copies may also be requested by contacting the Board office at (478) 207-2440.

A public hearing will be held at 10:30 am on June 29, 2007, at the Secretary of State’s Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed chapter. At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for official record. Oral statements should be concise and will be limited to five (5) minutes per person. Written comments are welcome. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 P.M.) on June 22, 2007. Written comments should be addressed to Don Munday, Acting Division Director, Secretary of State, Professional Licensing Boards Division, Georgia Board of Massage Therapy, 237 Coliseum Drive, Macon, Georgia 31217. Telephone (478) 207-2440 or fax (478) 207-1633.

The Board will consider the proposed chapter for adoption at a meeting scheduled to begin at 11:40 am on June 29, 2007 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia Board of Massage Therapy has the authority to adopt a proposed Chapter 345-8 pursuant to authority contained in O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

At its meeting on May 16, 2007 the Georgia Board of Massage Therapy voted that the formulation and adoption of this chapter does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed chapter cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this chapter will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of massage therapy.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This 22<sup>nd</sup> day of May, 2007.

---

Donald W. Munday  
Acting Division Director  
Professional Licensing Boards Division

Posted: May 22, 2007

**SYNOPSIS OF PROPOSED CHAPTER TO THE  
GEORGIA BOARD OF MASSAGE THERAPY RULES,  
CHAPTER 345-10 DISCIPLINE**

**PURPOSE:** The purpose of the proposed chapter is to provide the guidelines for disciplinary action(s) imposed upon licensees by the Board.

**MAIN FEATURES:** The main feature of the proposed chapter is to set forth the general guidelines with regard to disciplinary actions considered by the Board for active licensees.

**THE PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE  
THERAPY RULES, CHAPTER 345-10 DISCIPLINE**



**NOTE:** Underlined text is proposed to be added; lined through text is proposed to be deleted.

## **Chapter 345-10 Discipline**

### **345-10-.01 General Provisions**

### **345-10-.02 Display of License**

### **345-10-.03 Advertising**

### **345-10-.04 Unlicensed Practice**

## **345-10-.01 General Provisions**

(1) Upon finding that a violation has occurred, in accordance with O.C.G.A. § 43-1-19 and 43-24A-7, the Board has the authority to refuse to grant a license to a person, revoke the license of a person licensed by the Board, discipline or sanction a person licensed by the Board, or, refuse to renew a license.

(2) In addition, the Board may impose any or all, but not limited to, the following:

(a) Public or Private Reprimand;

(b) Letter of Concern;

(c) Imposition of Fine(s);

(d) Period of Probation;

(e) Cease and Desist Order;

(f) Any other action the Board may deem appropriate, up to and including possible suspension and/or revocation of your professional license.

(3) The Board may consider each violation as a separate violation and impose a fine of not more than \$500 for each convicted offense, \$1000 per subsequent conviction and/or possible imprisonment, in accordance with O.C.G.A. § 43-1-20 and 43-24A-24.

(4) Mitigating circumstances may be taken into account in varying the sanctions subject to the Board's discretion. Mitigating circumstances shall not include failure to notify the Board of an address change or failure to receive a renewal application or reminder notice.

## **345-10-.02 Display of License**

All licensees shall display their license certificate, easily and readily available for anyone to observe, in *all* locations of the licensees practice as a massage therapist.

## **345-10-.03 Advertising**

(1) It shall be considered a violation of the massage therapy practice act to:

(a) publicly misrepresent oneself to be a massage therapist in any form of advertisement unless the individual has an active, valid license issued by the Board to practice massage therapy in Georgia;

(b) advertise massage therapy services *in conjunction* with adult entertainment, escort or dating services;

(c) only duly licensed massage therapists practicing in accordance with the Board rules and Georgia law may practice massage therapy in Georgia, or, use in connection with their own name or that of their business or employer, the terms massage, massage therapy, massage therapist, massage practitioner, or the letters M.T. or L.M.T. or any other representation either direct or indirect, indicating to the general public that massage therapy is provided or available. Such activities are prohibited unless the provider is an actively licensed massage therapist by the Georgia Board of Massage Therapy.

### **345-10-.04 Unlicensed Practice**

Fines, in addition to or in conjunction with a Cease and Desist Order, shall be imposed in accordance with the following guidelines:

(a) If the time period determined as “unlicensed practice” is:

- 0 – 30 days: \$100 fine with a letter of concern from the board
- 31 – 180 days: \$250 fine and/or C&D Order
- 181- 365 days: \$500 fine and/or C&D Order
- Over 365 days: Board to determine actions to be taken; fine of not more than \$500 per offense, \$1000 and/or possible imprisonment per subsequent or second offense, and a C&D Order may be imposed.

**Authority: O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3**

### **Policy Development:**

**Ms. Phillips moved Ms. Lescak seconded, and the Board voted to accept the following Board Policy. None opposed, Motion carried.**

For policy purposes, the Georgia Board of Massage Therapy proposes the following, **non-inclusive and/or non-comprehensive**, listing of practices or disciplines the Board considers exemptions from licensure by name to the licensure requirement as set forth in O.C.G.A. 43-24A, The Massage Therapy Practice Act:

### **Movement practices include, but are not limited to:**

Alexander Technique  
Aston Patterning  
Body-Mind Centering®  
Feldenkrais Method® of Somatic Education  
ISMETA – Registered Somatic Educator  
ISEMTA – Registered Somatic Movement Therapist  
Laban Movement Analysis  
Rolf Institute® Rolf Movement Integration

Trager® Approach to Movement Education

**Structural Integration practices include, but are not limited to:**

Hellerwork®  
Rolfing® Structural Integration  
Structural Integration

**Energy practices include, but are not limited to:**

Asian Bodywork Therapy  
Acupressure  
Amma  
AMMA Therapy®  
Chi Nei Tsang  
Craniosacral Therapy  
Jin Shin  
Jin Shin Do® Bodymind Acupressure  
Jin Shin Jitsu  
Jin Shin Jyutsu®  
Medical Qigong  
Nuad Bo 'Rarn (Traditional Thai Bodywork)  
Okazaki Restorative Therapy  
Polarity  
Polarity Therapy  
Polarity Bodywork Therapy  
Qigong  
Reiki  
Shiatsu (*all forms including, but not limited to, Five Element Shiatsu, Integrative Eclectic Shiatsu, Japanese Shiatsu, Macrobiotic Shiatsu, Ohashiatsu®, Quantum Shiatsu, Zen Shiatsu*)  
Shiatsu Anma Therapy  
Tuina

**In addition, for policy purposes and clarification, the Georgia Board of Massage Therapy developed the following regarding exemptions to licensure with the above identified practices or disciplines notated under the applicable provisions as set forth in the statute.**

MassageTherapy Board – Ga. Law – Exceptions  
(termed “exemptions” by the Board for purposes of the rule):

**O.C.G.A. § 43-24A-19. Exceptions**

Nothing in this chapter shall be construed to affect, restrict, or prevent the practice, services, or activities of:

- (1) A person licensed, registered, or certified under any other chapter or article under

Title 43 while engaged in the professional or trade practices properly conducted under authority of such other licensing laws, provided that such person shall not use the title of massage therapist;

(2) A person pursuing a course of study leading to a degree or certificate as a massage therapist in an educational program recognized by the board, if such person is designated by title indicating student status and is fulfilling uncompensated work experiences required for the attainment of the degree or certificate;

(3) A nonresident person rendering massage therapy up to 60 days during a 12 month period for treatment of a temporary sojourner only, provided that such nonresident massage therapist holds a license, registration, or certification from another state, jurisdiction, or country if the requirements as determined by the board for licensure are substantially equal to the requirements contained in this chapter or provided that such nonresident massage therapist is currently nationally certified in therapeutic massage and bodywork;

(4) A person duly licensed, registered, or certified in another jurisdiction, state, territory, or a foreign country when incidentally in this state to provide service as part of an emergency response team working in conjunction with disaster relief officials or as part of a charity event with which he or she comes into the state;

(5) A person who restricts his or her practice to the manipulation of the soft tissue of the human body to hands, feet, or ears who does not have the client disrobe and does not hold himself or herself out as a massage therapist;

- **Reflexology**

(6) A person who uses touch, words, and directed movement to deepen awareness of existing patterns of movement in the body as well as to suggest new possibilities of movement while engaged within the scope of practice of a profession with established standards and ethics, provided that his or her services are not designated or implied to be massage or massage therapy;

- **Alexander Technique**
- **Aston Patterning**
- **Body-Mind Centering®**
- **Feldenkrais Method® of Somatic Education**
- **ISMETA – Registered Somatic Educator**
- **ISEMTA – Registered Somatic Movement Therapist**
- **Laban Movement Analysis**
- **Rolf Institute® Rolf Movement Integration**

- **Trager® Approach to Movement Education**

(7) A person who uses touch and movement education to effect change in the structure of the body while engaged in the practice of structural integration, provided that he or she is a member of, or whose training would qualify for membership in, the International Association of Structural Integrators and provided that his or her services are not designated or implied to be massage or massage therapy;

- **Hellerwork®**
- **Rolfing® Structural Integration**
- **Structural Integration**

(8) A person who uses touch to affect the energy systems, polarity, acupoints, or Qi meridians, also known as channels of energy, of the human body while engaged within the scope of practice of a profession with established standards and ethics, provided that his or her services are not designated or implied to be massage or massage therapy;

- **Asian Bodywork Therapy**
- **Acupressure**
- **Amma**
- **AMMA Therapy®**
- **Chi Nei Tsang**
- **Craniosacral Therapy**
- **Jin Shin**
- **Jin Shin Do® Bodymind Acupressure**
- **Jin Shin Jitsu**
- **Jin Shin Jyutsu®**
- **Medical Qigong**
- **Nuad Bo 'Rarn (Traditional Thai Bodywork)**
- **Okazaki Restorative Therapy**
- **Polarity**
- **Polarity Therapy**
- **Polarity Bodywork Therapy**

- Qigong
- Reiki
- Shiatsu (*all forms including, but not limited to, Five Element Shiatsu, Integrative Eclectic Shiatsu, Japanese Shiatsu, Macrobiotic Shiatsu, Ohashiatsu®, Quantum Shiatsu, Zen Shiatsu*)
- Shiatsu Anma Therapy
- Tuina

(9) A person who was engaged in massage therapy practice prior to July 1, 2005; provided, however, the prohibition of subsection (c) of Code Section 43-24A-15 shall apply to such a person on and after July 1, 2007.

**NOTE: THIS BOARD POLICY HAS BEEN INTRODUCED TO ASSIST THE STAFF OF THE PROFESSIONAL LICENSING BOARDS LICENSING DIVISION AND THE INVESTIGATIONS DIVISION IN UNDERSTANDING SOME OF THE MANY AND VARIED EXCEPTIONS OR EXEMPTIONS UNDER THE MASSAGE THERAPY PRACTICE ACT (O.C.G.A. § 43-24A). THIS LISTING IS NOT INCLUSIVE AND WILL BE UPDATED AS DETERMINED BY THE BOARD. STAFF OF THE PROFESSIONAL LICENSING BOARD DIVISION SHALL NOT INTERPRET GEORGIA LAW PERTAINING TO THE SCOPE OF PRACTICE OF LICENSED PROFESSIONS UNDER TITLE 43 OF THE O.C.G.A.**

### **Educational Advisor's Report**

The following Massage Therapy Schools have applied to be considered as Board Recognized Massage Therapy Educational Programs, each school submitted an incomplete application and are currently still in the pending approval process.

1. 1<sup>St</sup> Choice Institute, Inc.
2. Academy of Healing Arts
3. Acupuncture & Massage College
4. Advanced Career Training (both locations)
5. Aiken Technical College
6. Albany Therapeutic Massage Apprenticeship Program
7. American Institute of Massage Therapy
8. American Professional Institute (API) (all five locations)
9. Arlington School of Massage
10. Ashland Institute of Massage
11. Atlanta Beauty I
12. Athens Institute for Massage
13. Augusta School of Massage

14. The Baltimore School of Massage (York Campus)
15. The Baltimore School of Massage (Main Campus)
16. Bhakti Academe-School of Intuitive Massage & Healing
17. Body Concepts- Wellness Institute
18. Cayce-Reilly School of Massotherapy
19. Core Institute School of Massage Therapy
20. Cortiva Institute School of Massage Therapy
21. Educating Hands School of Massage
22. Georgia Academy of Massage, LLC
23. Georgia Academy Technical Wellness (AKA: Georgia Academy of Therapeutic Massage)
24. Georgia Beauty School
25. Georgia Career Institute
26. Georgia Massage Institute
27. Georgia Medical Institute (1<sup>st</sup> Atlanta Location)
28. Georgia Medical Institute (Norcross Location)
29. Georgia Medical Institute (Jonesboro Location)
30. Georgia Medical Institute (Marietta Location)
31. Georgia Mountains School of Massage
32. Gwinnett College
33. Heritage Institute
34. International School of Skin and Nailcare
35. Lake Lanier School of Massage
36. Martial Arts Academy
37. Massage Therapy Training Institute
38. Medix School
39. Miller Mote Technical College
40. Moultrie Technical College
41. Myotherapy Institute of Massage
42. Potomac Massage Training Institute
43. Savannah School of Massage
44. Space Coast Health Institute
45. South Carolina Massage & Esthetics Institute
46. Southern Union State Community College
47. Sun Coast-Tampa Bay School of Massage Therapy
48. Utah College of Massage Therapy
49. Virginia School of Massage

Ms. Phillips presented to the Board an outline on how she reviews each school application.

Ms. Phillips reported to the Board, her recommendations on the approval of Downeast School of Massage, Florida School of Massage and High Tech Institute as Board Recognized Massage Therapy Educational Programs.

**Mr. Earles moved, Ms. Lescak seconded and the Board voted to approve Downeast School of Massage, Florida School of Massage, and High Tech as Board Recognized Massage Therapy Educational Programs. None opposed, Motion carried.**

Ms. Phillips reported to the Board her concerns on recommending Martial Arts Academy as a Board Recognized Massage Therapy Educational Program at this time.

**Mr. Earles moved, Ms. Lescak seconded and the Board voted to deny Marital Arts Academy as a Board Recognized Massage Therapy Educational Program at this time. None opposed, Motion carried.**

Ms. Phillips discussed her conversations with several Florida massage therapy education programs program directors. Florida only requires thirty-five (35) hours of clinical time versus this boards requirement of fifty (50). They have an elective course of fifteen (15) hours any student can enroll in if they know they are going to apply for licensure in Georgia. Ms. Phillips is requesting the Board approve/accept this additional course time.

**Mr. Earles moved, Ms. Lescak seconded and the Board voted to accept the additional Florida clinical hours. None opposed, motion carried.**

#### **Cognizant Report:**

MT 29701

Becky Adams, Assistant Attorney General, recommended the Board form a sub-committee and meet with the complainant to try to obtain additional information. Following discussion, the Board decided that Ms. Phillips and Mr. Earles shall serve in conjunction with the AAG on this sub-committee.

**Mr. Lescak moved, Ms. Johnson seconded and the Board voted to allow the named sub-committee and the Assistant Attorney General to meet with the complainant. None opposed, Motion carried.**

#### **Additional Business**

Ms. Johnson related to the Board members her conversation with the board's consumer member, Ms. Gaskill. Ms. Gaskill owns her own business and is unable to meet every two weeks, but has stated she can meet once per month. The Board had agreed to meet every two weeks due to the amount of applications both for licensure and approval of an education program.

**Ms. Lescak moved, Ms. Phillips seconded and the Board voted to accept the consumer member's request to meet once per month versus every two weeks.**

The Board has requested that the Enforcement Division attend the June 1<sup>st</sup> scheduled Board meeting to discuss the profession, potential complaints and disciplinary actions.



**There being no additional business to discuss, Mr. Earles moved, Ms. Lescak seconded, and the Board voted to adjourn today's meeting at 2:45 p.m.**

**Minutes recorded by:**

Amanda Allen, Board Secretary

**Minutes reviewed and edited by:**

Brig Zimmerman, Executive Director

---

Jane H. Johnson, Chair  
Georgia State Board of Massage Therapy

---

Brig Zimmerman, Executive Director  
Professional Licensing Boards Division

These minutes were approved and signed on: \_\_\_\_\_.